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REMARKS

Applicant concurrently files herewith an excess claim fee for newly-added claims 21-24.

Applicant again thanks the Examiner for the courteous and productive Personal Interview of March 27, 2003, in which the invention, claims and prior art were discussed.

As noted in the Examiner Interview Summary Record, a key feature of the present invention is to disable the gate, instead of the tag (e.g., EAS device on the computer) as in the urged combination of prior art references. Applicant pointed out that, contrary to the Examiner's assertions in the Office Action, that Schrott does not teach or suggest disabling the gate. Rather, Schrott disables the computer device that the tag is associated with.

Applicant gratefully acknowledges the Examiner's indication that he will further consider such discussion upon formal entry of this Amendment. Presumably, the claims would be allowable, should no new, more relevant prior art be uncovered in the Examiner's updated search.

Applicant concurrently files herewith an Excess Claim Fee Payment Letter and fee for excess dependent claim.

Claims 1-2, 4-16, and 18-24 are all the claims presently pending in the application.

New claims 21-24 have been added.

It is noted that the claims have been amended solely to more particularly point out Applicant's invention for the Examiner, and not for distinguishing over the prior art, narrowing the claim in view of the prior art, or for statutory requirements directed to patentability.

It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Attached hereto is a marked-up version of the changes made to the claims by the current Amendment. The attached pages are captioned "Version with markings to show changes made".

Claims 1, 4-7, 9-15, and 18-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chambers (USPN 4,881,061), further in view of Schrott, et al. (USPN 5,739,754), further in view of Yeadon (USPN 6,393,339), and further in view of Garber, et al.

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(USPN 6,232,870). Thus, no less than four (4) references are being relied upon to render obvious the claimed invention.

Claims 2 and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chambers, further in view of Schrott, et al., further in view of Yeadon, further in view of Garber, et al., and further in view of Bacon (USPN 5,984,388) (5 references).

Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Chambers, further in view of Schrott, et al., further in view of Yeadon, further in view of Garber, et al., and further in view of Nelson, Jr. (USPN 6,297,727) (5 references).

These rejections are respectfully traversed in the discussion below.

I. THE CLAIMED INVENTION

Applicant's invention, as disclosed and claimed (e.g., see independent claim 1), is directed to a system (and method) for preventing theft of an object, which includes an electronic article surveillance (EAS) device operatively attached to an object, a security path for detection of the EAS device, a reader operatively coupled to the security path, and a smart card for being read by the reader. The smart card contains an identification profile of an authorized user of the object.

A feature of the present invention is that the computer disables a security gate if a person entering the security path is authorized to remove the object.

An additional feature of the present invention is that the EAS device comprises a low frequency tag having a frequency in a range of about 100 Hz to about 1000 Hz. The low frequency tag is formed of a pattern of wires and strips that produce a predetermined harmonic field.

Another feature of the invention is that the excitation source, that would otherwise enable the EAS device (e.g., antitheft tag) to be operative at the gate, is turned off.

With such unique and unobvious features and aspects of the invention, fast, reliable tracking of personnel carrying objects (computers) into/out of an area can be achieved. Further, a legitimate user can easily disable an interrogation device upon the presentation of suitable

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credentials (e.g., a smart card or the like).

Additionally, such a method and system are much more convenient than having the object (e.g., a computer) disabled and then having to reenable the computer upon recovery or if a mistake has occurred.

That is, with the invention, the disabling function is part of the interrogation path (e.g., gate). Thus, only the gate need be disabled and then subsequently reenabled, as opposed to the object (e.g., computer) itself. This disabling/reenabling of the gate significantly simplifies the antitheft problem.

Such features are not taught or suggested by any other prior art of record, either alone or in combination.

II. THE PRIOR ART REFERENCES

The Examiner asserts that:

...Chambers is however silent on teaching a smart card containing an identification profile of an authorized user and the disabling of the security gate if a person (sic) entering the security path is authorized to remove the object.

Schrott et al. in an art related Circuit Antitheft And Disabling Mechanism invention teaches disabling the security gate without disabling the tag device (col. 5 lines 10-15) but is also silent on teaching a smart card containing an identification profile of an authorized user. ...

It would have been obvious to one of ordinary skill in the art to have a smart card containing an identification profile of an authorized user and disable the security gate if a person entering the security path is authorized to remove the object in Chambers as evidenced by Schrott et al.

However, Applicant again respectfully disagrees and submits that the Examiner's assertions are erroneous.

Firstly, Applicant notes that the Examiner is attempting to "kluge" together at least four

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references to arrive at the system and method of the present invention. However, it would not have been obvious to combine the system for controlling removal of articles of Chambers, the magnetic sensor used with one or more frequency band pass filters of Schrott, the computerized stock control system of Yeadon, and the radio frequency identification system of Garber, absent hindsight.

Indeed, it would not have been obvious to combine the references absent the Examiner's impermissible hindsight reconstruction because, the object of Chambers is to identify a user through a user identification card and an article through an article identification code; the object in Schrott is to prevent or inhibit theft of electronic circuits (e.g., particularly computer circuits) and Schrott disables an electronic circuit in order to prevent or inhibit the theft of the electronic circuit; in Yeadon the object is to provide a computerized stock control system for dispensing chemicals and/or drugs in research establishments; and in Garber the object is the use of radio frequency identification tags in library materials.

Thus the objects of the references are entirely different and would not have been combined absent hindsight reconstruction of the invention. Indeed, the Examiner is clearly stating the four (4) teachings of those references.

Further, the Examiner admits in the Office Action (e.g., see page 2, last line and page 3, line 1) that Chambers does not teach or suggest "disabling of the security gate if a person if a person (sic) entering the security path is authorized to remove the object". Thus, the Examiner relies upon Schrott (commonly assigned and having a commonly named inventor) and asserts that Schrott "teaches disabling the security gate without disabling the tag device (col. 5 lines 10-15)". However, as discussed in the Personal Interview of March 27, 2003, such an assertion is erroneous.

Specifically, as disclosed Schrott, "*FIG. 1 is a block diagram of a magnetic sensor and the accompanying local detection circuit for disabling an external electronic (e.g., computer) circuit*" (e.g., see column 2, line 43-45).

In Schrott, "*a logic circuit 105 ... generates a critical signal 109 acting on a critical circuit element 106 of the computer or the electronic device (external circuit) 120 causing it to be disabled*" (e.g., see column 3, lines 22-25) (emphasis Applicant's).

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Also, Schrott discloses “[a]dditional circuitry can be added to the logic 105 to make it possible to bypass the disabling mechanism so that the computer or electronic device can be moved past the disabling gate without disabling the device” (e.g., see column 5, lines 10-13 of Schrott).

Thus, Schrott clearly discloses turning off the disabling mechanism in the electric circuit (e.g., computer), not disabling the gate as asserted by the Examiner. That is, Schrott discloses turning off the disabling mechanism in the computer, so that the gate does not disable the computer as it passes through the gate.

In complete and fundamental contrast, in the claimed invention, the computer is affirmatively “*disabling a security gate*”, as defined by independent claims 1 and 15.

In the present invention, a novel feature is that mandatory information about the user is obtained independently of an RF tag attached to or embedded in the object (e.g., computer). If the mandatory information about the user is incorrect, then the security gate is disabled. This is important because, in the present invention, the concealed magnetic tag (e.g., RF tag) continuously sends a signal to the security path and is of the type which is not disabled.

This type of RF tag which continuously transmits a signal is more robust in terms of resisting tampering. In the present invention, the user information on the smart card is used to enable passage through a gate or alternatively in the absence of such information or matching information the security gate is disabled by the computer.

Hence, turning to the clear language of the claims, there is no teaching or suggestion of “[a] system for preventing theft of an object, comprising:

an electronic article surveillance (EAS) device operatively attached to an object;
a security path for detection of said EAS device;
a reader operatively coupled to said security path;
a smart card for being read by said reader, said smart card containing an identification profile of an authorized user of said object; and
a computer attached to said reader, said computer disabling a security gate if a person entering said security path is authorized to remove said object.
wherein said EAS device comprises a low frequency tag having a frequency in a range of

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about 100 Hz to about 1000 Hz, said low frequency tag being formed of a pattern of wires and strips that produce a predetermined harmonic field" (emphasis Applicant's).

For the reasons stated above, independent claim 1 (and substantially similarly independent claim 15) of the claimed invention are fully patentable over these references either alone or in combination.

Further, dependent claims 2-3, 6, and 9-10 when taken in combination with claims 1 and 7 define additional novel limitations (e.g., as do new claims 21-24).

For the reasons stated above, the claimed invention is fully patentable over the cited references.

III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-2, 4-16, and 18-24, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0510.

Respectfully Submitted,



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